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SENSITIVE

SIPDIS

DEPT FOR NEA/FO, NEA/ELA

ALSO FOR IO A/S HOOK, PDAS WARLICK

P FOR DRUSSELL AND RRANGASWAMY

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TAGS: PREL PGOV PTER PINR UNSC LE SY

SUBJECT: LEBANON: FATE OF SYRIAN-LEBANESE HIGHER COUNCIL

UNDETERMINED

REF: BEIRUT 1516

Classified By: Ambassador Michele J. Sison for reasons 1.4 (b) and (d).

SUMMARY

¶1. (SBU) The future of the Syrian-Lebanese Higher Council remains unknown after Lebanon and Syria formally established diplomatic relations October 16, 2008. The Higher Council is the umbrella organization created under a 1991 treaty to administer and implement coordinated foreign, economic, and security agreements between the two countries. Many of our Lebanese interlocutors view the treaty and its related entities as favoring Syria, especially in economic matters. Contacts from across the political spectrum anticipate some changes to the mandate of the Higher Council will be necessary to de-conflict its role with that of the new embassies and ambassadors. However, political and legal disagreements remain as to whether the Higher Council should be dismantled, and if so, how. End summary.

STRUCTURE OF THE COUNCIL

¶2. (SBU) The Syrian-Lebanese Higher Council was created by the 1991 "Fraternity, Cooperation and Coordination Treaty" between Lebanon and Syria. The treaty was the outgrowth of the 1989 Taif Accord that ended Lebanon's 1975-1989 civil war and placed Lebanon under Syrian tutelage. The treaty became the umbrella entity that covered all Lebanese-Syrian bilateral agreements. According to the treaty, Lebanon and Syria agreed to "work to achieve the highest level of cooperation and coordination in all political, economic, security, cultural, scientific and other fields." Under the aegis of the treaty, several entities were established, including:

- the Higher Council represented by the presidents, speakers of parliament, prime ministers, and deputy prime ministers of both countries to chart strategic policy;
- the Executive Body, responsible for implementation of bilateral agreements, headed by the prime ministers and consisting of other relevant ministers;
- a Foreign Affairs Committee charged with the coordination of foreign policy with respect to their relations with other countries;
- the Economic and Social Affairs Committee responsible for

economic and social affairs coordination and headed by the relevant ministers;

- the Defense and Security Affairs Committee, headed by the defense and interior ministers, responsible for studying measures to secure both countries and to coordinate efforts to respond to outside threats or aggression; and
- a General Secretariat.

LEBANESE PERCEPTIONS OF THE AGREEMENTS AND THE HIGHER COUNCIL

¶3. (SBU) When Syria signed its decree establishing diplomatic relations with Lebanon on October 16, Syrian Foreign Minister Walid Moallem said the council was still being used and that it was operating under prior agreements. However, Lebanese Foreign Minister Fawzi Salloukh said that all past bilateral agreements would be "under review" and possibly subject to change. We believe the number of bilateral treaties that come under the purview of the council exceed 100. (Note: The exact number of agreements is not clear; we have heard estimates as low as 32 and as high as 120. Most legal analyses we have heard peg the number at more than 100, but without consensus. End note.) There is a general perception among our Lebanese interlocutors that many of the bilateral agreements between Lebanon and Syria, especially the ones focused on economic issues, such as access to water resources, favor Syria. This, they say, makes an argument for dismantling, or at least renegotiating, the Higher Council's mandate, given the new status of formal diplomatic relations. However, there is general disagreement as to

BEIRUT 00001542 002 OF 003

whether the treaties must be renegotiated before the Higher Council is dismantled, or vice versa.

¶4. (SBU) Several of our March 14 coalition contacts said that March 14 would campaign to have the Higher Council dismantled. However, the coalition did not believe the campaign would be successful, saying dismantling the council would require "political will" that would be impossible to achieve in the near future. Minister of State Khaled Qabbani, a March 14 minister and a constitutional expert who participated in the Taif conference, said that the final communique of the Syrian-Lebanese summit held August 13-14 clearly stated "the need to revise the bilateral agreements." However, Qabbani noted that under international law, the treaty would require the agreement of both countries before it could be amended. Yet, the establishment of diplomatic relations would require some change to avoid an overlap of responsibility between the new embassies and the council, Qabbani said. Mohammad Mattar, a lawyer and independent Shia figure close to March 14 leader Saad Hariri, told us October 29 that the 1991 treaty, the Higher Council, and all of the bilateral agreements should be reviewed. However, he reiterated that the decision to review the status of these entities requires a political decision. Mattar also suggested that any decision about the Higher Council or the agreements should come under the Office of the Prime Minister to avoid becoming politicized.

¶5. (C) In separate conversations October 23 with two of Michel Aoun's advisors, MP Ibrahim Kenaan and Alain Aoun, both noted that the Syrian-Lebanese Higher Council was "unconstitutional" (reftel). Kenaan called the council a "joke," while Aoun recalled that when the council was created, several MPs and supporters of Michel Aoun were against the Higher Council's formation. Aoun specifically pointed to a 1992 press statement made by then-MP Albert Mukheiber (now deceased, he was a close ally of Michel Aoun) in which he said the Higher Council impinged on Lebanese sovereignty and independence and stripped the parliament of its authority.

WHAT HAPPENS NEXT?

¶6. (C) Many of our interlocutors -- majority and pro-Syrian opposition figures alike -- said it was important that the process to deal with the Higher Council moves slowly. Oussama Khachab, head of the Americas desk at the Foreign Ministry, told us October 17 President Sleiman expressed his desire, in talks with his advisors, to handle the issue calmly and to avoid any action that could be construed as a "provocation" by the Syrians. In discussions between the Lebanese and the Syrians, Syria made it clear it was "making a big concession" by agreeing to open an embassy in Beirut and is opposed to the abolition of the Higher Council, Khachab said. However, senior officials at the Foreign Ministry and at Baabda have begun to discuss how to de-conflict the role of the embassy and the council. Justice Minister Ibrahim Najjar (March 14) stated publicly that the Higher Council and the embassies to be established in Beirut and Damascus should not have the same capacity or be tasked with the same "administrative functions." He added that the issue is political, not legal.

¶7. (C) Ali Hamdan, senior advisor to Speaker of Parliament Nabih Berri, said October 23 he expected the new embassies would assume the role of "implementor" of existing and future bilateral agreements, while the Higher Council would remain the entity that would formulate strategic policy. Longtime legal advisor to ex-president Emile Lahoud and opposition figure, Salim Jereissati, believed Syria would not allow the Higher Council to be dismantled. Jereissati also surmised that the new Lebanese Ambassador to Syria would compete with the head of the council for authority on the "Syrian file." (Note: Jereissati said he turned down an offer from the Presidency to become Lebanon's Ambassador to Syria for this reason. End note.)

BEIRUT 00001542 003 OF 003

COMMENT

¶8. (SBU) The fate of the Syrian-Lebanese Higher Council remains unknown. It is not likely any decisions about the future of the Higher Council, or the bilateral treaties, will be decided anytime soon.

SISON